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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/417,705	10/13/1999	JUNYA KAKU	991142	7820
23850	7590	07/13/2006	EXAMINER	
ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP 1725 K STREET, NW SUITE 1000 WASHINGTON, DC 20006			NGUYEN, LUONG TRUNG	
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/417,705	KAKU, JUNYA	
	Examiner	Art Unit	
	LUONG T. NGUYEN	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 April 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 16-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 16-23 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 4/26/2006 have been fully considered but they are not persuasive.

In re pages 6-7, Applicant argues that the Examiner did not apply the correct teaching suggestion-motivation test for an obviousness rejection under 35USC 103(a), regarding claim 16.

In response, the Examiner respectfully disagrees because the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Yokouchi et al. discloses all the limitations of claim 16, except the limitation “a reader for reading the processed image data stored in said memory at a rate of one screen per a second time period which is shorter than the first time period,” which is clearly taught by Kanai et al. (Kanai et al. teaches a video signal processor, which comprises a memory, in which the digital data being written into the memory at a first rate based on a writing control clock and being read from the memory at a second rate, which is n times the first rate, n is an integer greater than one, see abstract, column 48, lines 40-47, column 57, lines 29-38). Kanai et al. also suggest the benefit of reading image signals from memory at a rate higher than writing image signals into memory so as to reduce

flickers (see abstract, column 10, lines 60-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Yokouchi et al. by the teaching of Kanai et al. in order to reduce flicker in the image (see abstract, column 10, lines 60-62).

In re page 7, Applicant argues that neither Yokouchi nor Kanai address the same problem in the same manner as the invention set forth in claim 16.

In response, the Examiner respectfully disagrees for the reason as discussed above.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 16, 17, 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokouchi et al. (US 6,628,328) in view of Kanai et al. (US 5,835,164).

Regarding claim 16, Yokouchi et al. discloses a digital camera, comprising:

an imaging device having an imaging surface which generates an image signal corresponding to an optical image of an objective scene (CCD 1, figure 1, column 6, lines 60-67);

a processor (processing circuit 6, figure 1, column 7, lines 5-15) for subjecting the image signal generated by said imaging surface to signal processes including a thinning process (thinning read mode, column 7, lines 52-67) so as to create processed image data at a rate of one screen per a first time period;

a memory (DRAM 7, figure 1, column 7, lines 5-15) having a single input/output port;

a writer for writing to said memory the processed image data output from said processor (CPU 17 control the operation to write image data from processing circuit 6 to DRAM 7, figure 1, column 7, lines 29-30);

a reader for reading the processed image data stored in said memory (CPU 17 control the operation to read out image data from DRAM 7 to transfer to compression/expansion circuit 8, figure 1, column 7, lines 29-30);

a display for displaying an image based on the processed image data read out by said reader (LCD 13, figure 1, column 7, lines 35-55);

a first instructor for instructing said processor to suspend the thinning process at a time of accepting a recording operation (a still picture recorded in the recording medium by switching over from the skipping read mode (thinning read mode) to all-pixel read mode, column 9, lines 1-21. This indicates that the thinning read out mode is suspended at the time of recording);

a recorder for recording to a recording medium (recording medium 9, figure 1, column 7, lines 10-15) the processed image data stored in said memory in response to the recording operation.

Yokouchi et al. fails to specifically disclose a reader for reading the processed image data stored in said memory at a rate of one screen per a second time period which is shorter than the

first time period. However, Kanai et al. teach a video signal processor, which comprises a memory, in which the digital data being written into the memory at a first rate based on a writing control clock and being read from the memory at a second rate, which is n times the first rate, n is an integer greater than one (see abstract, column 48, lines 40-47, column 57, lines 29-38). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Yokouchi et al. by the teaching of Kanai et al. in order to reduce flicker in the image (see abstract, column 10, lines 60-62).

Regarding claim 17, Yokouchi et al. discloses wherein said memory is an SDRAM (DRAM 7, figure 1, column 7, lines 5-15), and said writer includes a buffer (inherently included in the apparatus) for holding the processed image data output from said processor and a transferor for transferring to said memory the processed image data held by said buffer (the processed image data from processing circuit 6 is transferred to DRAM 7, figure 1).

Regarding claim 21, Kanai et al. discloses the second time period is one over an integer of the first time period (Kanai et al. discloses the digital data being written into the memory at a first rate based on a writing control clock and being read from the memory at a second rate, which is n times the first rate, n is an integer greater than one, see abstract, column 57, lines 29-38; since the rate is reciprocal of the time period, the second time period is one over an integer of the first time period).

Regarding claim 22, Yokouchi et al. discloses said recorder records to said record medium the processed image data in a compressed state (compressed image data is recorded in recording medium 9, figure 1, column 7, lines 10-15).

Regarding claim 23, Yokouchi et al. discloses a second instructor for instructing said reader to suspend a reading process in association with an instructing process of said first instructor (Yokouchi et al. discloses that when displaying the object image in the liquid display unit, a skipping read mode is used; when a still picture is recorded in the recording medium, the skipping read mode is switched to the all-pixel read mode, column 9, lines 1-20. This means that when a still picture is recorded in the recording medium, the skipping read mode is suspended).

4. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokouchi et al. (US 6,628,328) in view of Kanai et al. (US 5,835,164) further in view of Hirabyashi et al. (US 6,295,596).

Regarding claims 18, 20, Yokouchi et al. and Kanai et al. fail to specifically disclose said memory has a plurality of memory areas, a changer for changing a selecting a memory area at an interval of the first time period; said writer writes the processed image data to one of said plurality of memory areas based on a changing result of said changer; and said reader reads the processed image data from another of said plurality of memory areas based on the changing result of said changer.

However, Hirabayashi et al. disclose memory 11 (SDRAM) has two banks A and B, the data can be written and read out, independently of each other, these banks can be switched

(figure 1, column 4, line 63 – column 5, line 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Yokouchi et al. and Kanai et al. by the teaching of Hirabayashi et al. in order to obtain a device in which data can be read out fast by switching the banks (column 6, lines 29-30).

Regarding claim 19, Hirabayashi et al. disclose the changer changes the selecting of the memory area in a predetermined order (column 6, line 64 – column 7, line 40).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T. NGUYEN whose telephone number is (571) 272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID L. OMETZ can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LN
07/10/06

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LUONG T. NGUYEN
PATENT EXAMINER